

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY)
DONALD BARTH)
REQUESTING A CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER) Change Authorization
SURFACE WATER CERTIFICATE NO. S3-20711C)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On August 17, 2001, Don Barth filed an application to change existing water rights in Douglas County to other property in Okanogan County. Irrigation on their lands is authorized under existing interruptible water rights subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563. The application was assigned application number CS3-20711C.

WAC 173-166-080 allows the state to authorize temporary transfers of irrigation rights provided that the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

Surface Water Certificate No. S3-20711C

Surface Water Certificate No. S3-20711C, with a priority date of January 3, 1973, was issued to Joseph Steinbacher and Dean Monroe, et al. and authorizes the diversion of 2 cubic feet per second (cfs), and 400 acre-feet per year for the irrigation of 100 acres from the Columbia River. The point of diversion is located in Government Lot 2 within Section 25, T. 30 N., R. 26 E.W.M. The place of use is described as:

Government Lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 25, T. 30 N., R. 26 E.W.M.

The applicant proposes to change the irrigation of 100 acres of non-interruptible water rights of Certificate No. S3-20711C to other property down river.

The new place of use contains 100 acres located on property currently provided irrigation water under Surface Water Permit No. S4-30722P, which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Permit No. S4-30722P authorized the irrigation of 100 acres located within a parcel of land described as:

That portion of Indian Allotment No. 24 described as follows:

That portion of Government Lot 9 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 lying east of the easterly right of way line of Okanogan County Road N. 1517; Government Lots 8, 9, 11 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3; Government Lot 10 of Section 2, all in T. 29 N., R. 23 E.W.M.

EXCEPTING therefrom all that portion of said Indian Allotment No. 24 that lies northeasterly of a straight line which begins at a point on the northwesterly boundary of said Indian Allotment No. 24 which is northeasterly 1529 feet from the point of intersection of the southeast corner of Indian Allotment No. 27 in Section 3, T. 29 N., R. 23 E.W.M. and the northwesterly boundary of said Indian Allotment No. 24, said straight line thence running in a southeasterly direction to a point on the southeasterly boundary of said Indian Allotment No. 24 which is northeasterly 1791 feet from the point of intersection of the southeasterly boundary of said Indian Allotment No. 24 and south boundary of said Section 3.

The new emergency point of diversion for Surface Water Certificate No. S3-20711C will be from an existing point of diversion approximately 26 miles down river and located approximately 300 feet east and 900 feet south of the N $\frac{1}{4}$ corner of Section 2, T. 29 N., R. 23 E.W.M.

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Approximately 100 acres of irrigation will not occur on the authorized place of use this year under Surface Water Certificate No. S3-20711C and it is proposed that this amount of irrigation be transferred down river.

Conclusions and Decision

Authorizing these changes of water rights down river along the Columbia River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 100 acres of irrigation under Surface Water Certificate No. S3-20711C in Douglas County to property in Okanogan County described as follows:

That portion of Indian Allotment No. 24 described as follows:

That portion of Government Lot 9 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 lying east of the easterly right of way line of Okanogan County Road N. 1517; Government Lots 8, 9, 11 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3; Government Lot 10 of Section 2, all in T. 29 N., R. 23 E.W.M.

EXCEPTING therefrom all that portion of said Indian Allotment No. 24 that lies northeasterly of a straight line which begins at a point on the northwesterly boundary of said Indian Allotment No. 24 which is northeasterly 1529 feet from the point of intersection of the southeast corner of Indian Allotment No. 27 in Section 3, T. 29 N., R. 23 E.W.M. and the northwesterly boundary of said Indian Allotment No. 24, said straight line thence running in a southeasterly direction to a point on the southeasterly boundary of said Indian Allotment No. 24 which is northeasterly 1791 feet from the point of intersection of the southeasterly boundary of said Indian Allotment No. 24 and south boundary of said Section 3.

A water duty of .02 cfs and 4 acre-feet per acre is authorized for use on the property or 2.0 cfs and 400 acre-feet per year for 100 acres.

The point of withdrawal is an existing point of diversion located approximately 300 feet east and 900 feet south of the N $\frac{1}{4}$ corner of Section 2., T. 29 N., R. 23 E.W.M.

Provisions

The following provisions shall apply to this change authorization:

Within fifteen (15) days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (100 acres) formerly irrigated under Surface Water Certificate No. S3-20711C that will not be irrigated under this right and the lands (100 acres) to be irrigated at the new place of use as a result of this change.

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within thirty (30) days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

APPROVED BY: _____

Robert F. Barwin, Section Manager

DATE: _____

8/23/2001